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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOFTWARE AG, INC. and SOFTWARE AG, : 08 CV 00389 (CM) (FM)
Plaintiffs, :
-against- :
CONSIST SOFTWARE SOLUTIONS, INC., : **NOTICE OF**
f/k/a CONSIST INTERNATIONAL, INC. : **MOTION TO DISMISS**
and NATALIO FRIDMAN, :
Defendants. :
-----X

C O U N S E L O R S :

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, and all the pleadings and proceedings heretofore had herein, Defendants Consist Software Solutions, Inc. f/k/a Consist International, Inc. ("Consist") and Natalio Fridman ("Fridman") (collectively, "Defendants"), by their undersigned counsel, Duane Morris LLP, will move this Court, before the Hon. Colleen McMahon, United States District Judge, at Court Room 21B of the United States Courthouse, 500 Pearl Street, New York, New York, for an order granting Defendants' motion to dismiss Counts II and VI of the Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
February 26, 2008

DUANE MORRIS LLP

By: /s Gregory P. Gulia

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